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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/806,304

03/29/2001

Alain Brochez

BROC3001/JEK

6723

7590

04/28/2006

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EXAMINER

GARCIA, ERNESTO

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/806,304

Applicant(s)

BROCHEZ, ALAIN

Examiner

Ernesto Garcia

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36,39,53-57 and 59-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36,39,53-57 and 59-65 is/are rejected.
- 7) ☒ Claim(s) 36,39,54-57 and 59-65 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The indicated allowability of claims 53 and 59 are withdrawn in view of the newly found reference to Ronnlund, EP-549,554. Rejections based on the cited reference(s) follow.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Drawings***

The drawings were received on February 16, 2006. These drawings are acceptable; however, the drawings contain discrepancies.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the filling compound provided in the attachment channels (claim 61), and "said side of the notches over which the free end of the lip projection is pressed in has a concave shape" (claim 59, line 24; note that at best side 20 appears to be buckled) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The substitute specification filed on January 31, 2006 has not been entered. The substitute specification has not complied with 37 CFR 1.125(c) since a marked-up copy of the changes made has not been provided. Appropriate correction is required. Note: all objections to the specification are made in reference to the original specification.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the recitations "lip projection" recited in claim 53, line 8, "each of the insert parts including at least one locking element arranged to press the lip projection" recited in claim 53, line 9-10, "the at least one locking element defining a contact surface geometrically configured to substantially contact the entire length of the lip projection" recited in claim 53, lines 13-14, lack proper antecedent basis in the specification.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the limitation of claim 60 lack proper antecedent basis in the specification.

### ***Claim Objections***

Claims 39, 56, 59, and 62 are objected to because of the following informalities:  
regarding claim 39, shouldn't "the third leg" in line 8 be --the first leg--; and;  
regarding claim 56, "the" in line 16 should be --an-- as an "an extension" has not been previously recited, "portion" in line 17 should be --portions--, the first occurrence of "end" in line 17 should be --ends--, and either a comma or a semicolon is missing after "part" in line 17; and,

regarding claim 59, --each-- needs to be inserted after "parts" in line 8, --another-- needs to be inserted before "side" in line 19, and "one" in line 21 should be --another-- since lines 12-13 establishes that "the another side" has the free end of the lip projection pressed in. Applicant should consider using "a first side" and "a second side" for the alternative of "a one side" and "another side".

Regarding claim 62, shouldn't "surface" in lines 2 and 4 be --wall-- since a channel does not have outer surface but rather inner surfaces. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 56, 57, 59, 60, and 62-65 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 56, the specification does not have written description for "insert parts includes a resilient element comprising said first leg and a connecting leg situated in an extension of said first leg for connecting the end portion with the connecting end of the insert part; the end portion and the resilient element arranged so that the end portion places the resilient member in tension when inserted in to the respective attachment channel" in lines 15-20.

Regarding claim 59, the specification does not have written description for "said notches comprising: a triangular shape ...; and a shape of a predominantly right-angle triangle" in lines 10-16.

Regarding claim 60, there is no support for "insert parts includes at least one locking element having at least one notch disposed along a surface thereof, said at least one locking element arranged to abut a locking means defined along an outer surface of the respective attachment channel" recited in lines 2-5.

Regarding claims 57 and 62-65, the claims depend from claim 56 and therefore do not comply with the written requirement.

Claims 36, 39, 54-57, and 60-65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 36 and 54-56, the recitation "configured to be received by the mitered end portions of a respective one of the attachment channels of the side members" in lines 5-6 is redundant or a double inclusion of the configuration being described as "configured in the shape of a triangle" recited in lines 7-8. The limitation in lines 5-6 also makes unclear what configuration is required to allow the insert parts to be received by the mitered end portions.

Regarding claims 53 and 59, the recitation "configured to be received by the mitered end portions of a respective one of the attachment channels of the side members" in lines 5-6 makes unclear what configuration is required to allow the insert parts to be received by the mitered end portions.

Regarding claim 39, the recitation "and configured to be pressed in a slanting direction" in line 3 contradicts with the characteristics of the lip projection recited in lines 6-11. For instance, the recitation "said lip having ... a free end of each lip projection being situated behind a central axis of a respective inclined part" in lines 5-7 indicates that the lip projection are inherently pressed; yet, line 3 indicate that the lip projections are configured to be pressed which means that the lip projection have not been pressed and thus the lip projection cannot have the first characteristic recited in lines 6-7 since line 3 places the lip projections along the outer wall and not pressed. Further, the recitation "of a respective inclined part" in lines 6-7 makes unclear what is this



respective inclined part. According to the drawings, it appears that this part is the first leg of the triangle (see Figure 3).

Regarding claim 59, the recitation "by mean of slantingly press-in parts of the side members" in line 8-9 makes unclear what those press-in parts of the side members are? It appears that this is a double inclusion of the lip projection. The recitation "the insert pieces include at least one notch" in line 10 is redundant and inaccurate since at least two notches have been recited in line 9; thus, the insert pieces include at least two notches and not at least one. Further, the recitation "and a shape of predominantly right-angle triangle" in line 14 makes appear that two triangular shapes are present since line 11 recites "a triangular shape". For purposes of examination, only the shape of a right-angle triangle has been considered.

Regarding claims 39-61, the claims depend from claim 36 and therefore are indefinite.

Regarding claims 57 and 62-65, the claims depend from claim 56 and therefore are indefinite.

***Claim Rejections - 35 USC § 102***

Claim 53 is rejected under 35 U.S.C. 102(b) as being anticipated by Ronnlund, EP-549,554.

Regarding claim 53, Ronnlund discloses, in Figures 1 and 3, a corner joint comprising two frame side members **1,4**, at least one corner piece **11**, and a locking device (the joint). The two frame side members **1,4** have attachment channels **10** and mitered end portions. The corner piece **11** has two insert parts **12,13** joined at connecting ends and positioned relative to one another at a predetermined angle. The locking device includes at least one upset material part in the shape of a lip projection **A6** (see marked-up attachment) defined by slantingly press-in parts of the attachment channels **10**. Each of the insert parts **12,13** includes at least one locking element **A3**. The lip projection **A6** defines a contact surface **A11** disposed at one end thereof. The locking element defines a contact surface **A12** geometrically configured to substantially contact the entire length of the lip projection **A6**. Each of the insert parts **12,13** includes an end portion in the shape of a triangle **A9** having an apex **A7** directed along a longitudinal axis of an attachment channel. A first leg **A8** of the triangle **A9** is arranged to be urged against an inner wall **A10** of the attachment channels **10**.

***Allowable Subject Matter***

Claims 36, 39, 54-57, and 59-65 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claims 36 and 54-56, the prior art of record does not disclose or suggest a corner joint comprising a third leg extending obliquely relative to a first leg and a second leg in a direction generally proximal to the corner portion and connecting to the first leg;

regarding claims 39, 60, and 61, these claims depend from claim 36;

regarding claims 57 and 62-65, these claims depend from claim 56; and,

regarding claim 59, the prior art of record does not disclose or suggest a corner joint comprising a side of each notch over which a free end of a lip projection is pressed in having a concave bent or buckled shaped. The closes art, Ronnlund, EP-549,554, the French patent, FR-2,234,062, Bucci, US4,192,624, and German patent, DE-19,700,604, disclose a notch without a concave bent or being buckle shaped. There is no motivation, absent applicant's own disclosure, to modify the notch. Accordingly, the buckle shape realizes an efficient press-on.

### ***Response to Arguments***

Applicant's arguments with respect to claims 53 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-70837083. The examiner can normally be reached from 9:30-6:00. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

*E.R.*

*Daniel P Stodola*

E.G.

April 21, 2006

Attachment: one marked-up page of Ekstein, 3,797,194

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

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Ronnlund, EP-549,554

*Fig. 3*

